

REMARKS

Claims 1 and 2 are pending. Claims 1 and 2 stand rejected. Claim 1 is an independent claim.

Claim 1 stands rejected under 35 U.S.C. § 103(a), as allegedly being obvious over Sawahashi *et al.* (U.S. 5,590,409) ("Sawahashi") in view of Amezawa *et al.* (U.S. 5,455,967) ("Amezawa") in further in view of Park *et al.* (5,912,884) ("Park").

Claim 1 recites a method for restricting a reverse call in a base station comprising the steps of, *inter alia*, "(e) restricting the new call without restricting the already-established call according to the comparison result."

The support for the method recited in claim 1 can be found at page 16, line 19 – page 17, line 20. As noted in the specification, calls incoming to the base station comprise a new call and an already-established call (*id.*). The present method for restricting a reverse call contains a step for restricting the new call without restricting the already-established call within a given cell.

According to the United States Court of Appeals for the Federal Circuit, a claim may be rejected under section 103 of 35 U.S.C., if the Office Action shows an unrebutted *prima facie case of obviousness* (*In re Rouffet*, 149 F.3d 1350, 1355, 47 USPQ2d 1453 (Fed. Cir. 1998)). The court held that the *prima facie* case is established only if the prior art references teach all features in the claims (*In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)), including those in functional language (*In re Schreiber*, 128 F.3d 1473, 1478, 44 USPQ2d 1429 (Fed. Cir. 1997)) (holding that the patent applicant is free to recite features of an apparatus claim in functional language as long as the functions are not inherent to the prior art)).

In rejecting claim 1, the Office Action indicates that Sawahashi does not disclose the step of restricting an incoming call to the base station. However, the Office Action indicates that

Amezawa discloses “a way of restricting incoming calls by reduc[ing] the size of over area in a cell,” whereas Park teaches a step of handing over “the on going call to the neighbor cells in which [did not] reach the maximum capacity of load” after reducing the size of an overload (id. at page 3). According to the Office Action, the combination of Sawahashi, Amezawa, and Park discloses all features of claim 1, hence, rendering claim 1 obvious (id., at page 2-3).

Sawahashi, as read by the Applicant and noted in the Office Action, does not disclose a step of restricting incoming calls, much less a step of “(e) restricting the new call without restricting the already-established call according to the comparison result,” as recited in claim 1.

Amezawa, as read by the Applicant, discloses a method for limiting a deviation of the communication quality among base stations by controlling the size of a cell associated with each base station (column 2, line 37-43). According to Amezawa, a dense user distribution of mobile stations in a given cell decreases the signal-to-interference ratio (“SIR”) and, ultimately, the size of the cell (column 2 line 23-27 and column 4, line 35-43). Moreover, Amezawa discloses that when the size of a cell is reduced, the calls located in the boundary of the mobile station are transferred or handed off to the neighboring cell (see Figure 3(a) and 3(b)).

However, nowhere in Amezawa is there a disclosure of a step of restricting a new incoming call within a cell, as recited in claim 1. In addition, nowhere in Amezawa is there a disclosure of the step of “(e) restricting the new call without restricting the already-established call according to the comparison result,” as recited in claim 1.

Park, as read by the Applicant, discloses a method for controlling an overload cell in a CDMA mobile system. In particular, Park discloses that “when a particular cell is detected to be in the overload, a cell group with the condition of minimum load of adjacent cell with

neighboring cells around the overload cell in the center is retrieved and then a cell radius of the cell ground found as a result of the retrieval is expanded using the forward power control of the corresponding central cell so that subscriber call within the overload cell in the vicinity of the neighboring cell is handed off the expanded cell" (column 3, line 33-40).

Accordingly, Park simply transfers or hands off an existing call from an overloaded cell to a neighboring minimally loaded cell. Park does not restrict a new incoming call within a cell, as does the method recited in claim 1. Moreover, Park does not restrict "the new call without restricting the already-established call according to the comparison result," as does the method recited in claim 1.

Accordingly, Sawahashi, Amezawa, and Park, alone or in combination, fail to teach a method for restricting a reverse call in a base station comprising all steps recited in claim 1. As such, the references, alone or in combination, fail to establish *prima facie* case of obviousness or to render claim 1 obvious. The Applicant respectfully requests withdrawal of the rejection.

Claim 2 in this application is dependent on the independent claim 1 and believed patentable for the same reasons. As claim 2 is also deemed to define additional aspects of the invention, the individual consideration of the patentability of claim 2 on its own merits is respectfully requested.

Amendment
Serial No. 10/724,850

Should the Examiner deem that there are any issues which may be best resolved by telephone, please contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

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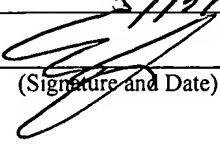
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